

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BOARD OF TRUSTEES, INTERNATIONAL :
TRAINING INSTITUTE FOR THE SHEET :
METAL AND AIR CONDITIONING :
INDUSTRY, *et al.* :

Plaintiffs, :

v. :

ALL AROUND SPIRAL, INC., :

Defendant. :

Case No.:
1:14-cv-782 (JCC) (IDD)

DECLARATION OF ASHLEY KERN

Ashley Kern deposes and says:

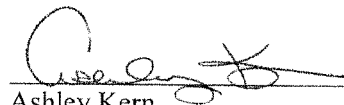
1. I am a bookkeeper at All Around Spiral, Inc. (hereinafter "AAS"), and I managed AAS' finances in the course of regular business.
2. I have personal knowledge of the facts set forth herein, and I would be competent to testify as to these facts if called as a witness in the trial of this matter. I make this declaration in opposition to Plaintiffs' Memorandum in Support of their Motion for Summary Judgment.
3. To the best of my recollection, AAS has never been an employer who subscribed to either the Sheet Metal & Air Conditioning Contractors Association of New York City, Inc. (hereinafter "SMACCA") nor SMACNA of Long Island, Inc. (hereinafter "SMACNA").
4. AAS has never paid any subscription fees or dues to either SMACCA or SMACNA.
5. To the best of my knowledge, AAS is not bound to any collective bargaining agreement ("CBA") which SMACCA or SMACNA are bound to.

6. Though AAS was once bound to a CBA, not all employees were considered "covered employees" for which funds contributions were required to be paid.
7. I have reviewed Plaintiffs' breakdown of delinquent funds contributions and dispute all amounts allegedly owed following January 2014.
8. My review of Plaintiffs' breakdown indicates that there is no breakdown for any of the alleged delinquent contributions allegedly due and owing following January 2014 by month or employee.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on:

7/29/15



Ashley Kern
Bookkeeper
All Around Spiral, Inc.